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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,604	04/21/2004	Alan B. Doerr	200401360-1	5542

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/828,604	Applicant(s) DOERR ET AL.	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 11, 14, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/21/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 21 April 2004 has been considered for this Office Action.

### ***Claim Objections***

2. Claims 18 and 19 objected to because of the following informalities: Claims 18 and 19 recites the limitation "The server latch" in the first line. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US 6,893,061 B2).

A latch assembly (110) connects a component (122) to a rack (112). The assembly comprises a latch spring (126) and a lever (144). The latch spring is connected to a component and moveable between an engaged and a disengaged position (Fig. 4). In the engaged position, the latch spring is engaged with a catch (114) that is connected to a rack (Fig. 4) and in the disengaged position the latch spring is disengaged from the catch. The lever is connected to the component (when in the engaged position) and rotatable about an axis of rotation between a latched position (Fig. 4) and an unlatched position wherein rotation of the lever from the latched position to the unlatched position moves the latch spring from the engaged position to the disengaged position in a direction parallel to the axis of rotation (C. 4, L. 55-64).

The latch spring further comprises a fixed end (138) connected to the component, a spring body extending from the fixed end at an angle (90 degrees) to the component and an engaging end (150) disposed on the spring body opposite the fixed end wherein the engaging end is operable to engage the catch (Fig. 4).

The engaging end further comprises a disengaging surface (136) extending from and at an angle to the spring body and an offset surface (134) extending from and at an angle to the disengaging surface.

The offset surface is parallel to the fixed end (Fig. 4).

The engaging end further comprises an engaging surface (136) extending from the offset surface in a direction toward the fixed end.

The catch is connected to a rail assembly (120) that is connected to the rack (Fig. 4)

The latch assembly further comprises a receptacle (between the upper surface of 112 and 114) disposed on the catch and sized so as to receive one end of the latch spring.

The lever further comprises a body (144) having a longitudinal axis; an axle (148) extending from the body and rotatably connected to the component (when the component and the rack are engaged), a paddle extending from the body in a direction perpendicular to the longitudinal axis of the body (Fig. 4).

The paddle is operable to maintain the latch spring in the disengaged position when the lever is in the unlatched position (C. 1, L. 55-64).

The lever rotates approximately 90 degrees between the latched and unlatched positions (C. 4, L. 55-64 and Fig. 4).

A latch comprises means (end of 114 and 136) for engaging a latch spring (126) and a catch (126) and means for disengaging (144) the latch spring and the catch by rotating a lever (144) about an axis from a latched position to an unlatched position in order to move the latch spring in a direction parallel to the axis (C. 1, L. 55-64).

The latch spring is connected to a chassis (12) supporting the component and the catch is connected to a rail assembly (120) mounted in the rack.

5. Claims 12, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (US 6,893,061 B2).

A method for interfacing a component (left member of Figs. 1-3) with a rack (right member of Figs. 1-3) comprises: (1) engaging a latch spring (D) connected to the component with a catch (c) connected to the rack; (2) disengaging the latch spring from the catch by rotating a lever (E) about an axis (g) so as to move the latch spring in a direction parallel to the axis; and (3) sliding the component at least partially out of the rack (sliding movement to open sash with respect to window frame).

The latch spring is disengaged by a paddle (b) disposed on the lever that engages a disengaging surface (right surface of the spring) of the latch spring and urges the latch spring in a direction parallel to the axis and out of engagement with the catch (Figs. 1-3).

The method further comprises sliding the component back into the rack such that an engaging surface of the latch spring contacts the catch and urges the latch spring to a position that allows the latch spring to engage the catch (as shown in Fig. 3).

### ***Allowable Subject Matter***

6. Claims 11, 14, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is being included in for PTO 892 - Notice of References cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

I hereby certify that this correspondence is being facsimile transmitted to  
the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_ (Date) .

(Signature)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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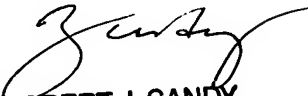
you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*R.C.R.*

rcr

November 14, 2005

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**